Single Bench

(3)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition NO. 451 /2005

PETITIONER : Mohd. Kasif Qureshi
S/o. Shri M.Y. Qureshi
Aged about 35 years,
Occupation-Astt. Drafsman
At Present R/o. H-121 Kashiram
Nagar, Raipur (C.G.)

VERSUS

RESPONDENTS : 1. State of Chhattisgarh
Through : Secretary
Public Works Department
D.K.S. Bhawan, Raipur (C.G.)

2. Chief Architect Cum-Chief Engineer
R.D.D., P.W.D., Satpuda Bhawan
Bhopal (M.P.)

3. The Engineer in Chief
Public Works Department
Satpuda Bhawan, Bhopal (M.P.)

4. The Secretary
Public Works Department
Vallabh Bhawan Mantralaya
Bhopal (M.P.)

5. The Engineer in Chief
Seerpur Bhawan, Civil Lines
Raipur (C.G.)

6. The Union of India
Through Director
Department of Personnel & Training
Ministry of Personnel Public
Grievances & Pensions
Govt. of India,
III-Floor, Lok Nayak Bhawan
Khan Market,
New Delhi 110003

ASR/05
Presented by Shri Safiq Khan
dated 03-02-05

RECEIVED-COPY
Dy. A.G. Bilaspur
03/02/05

Note: Be returned after reading
Advocate Vakalatnama
5.2.05.

The State of M.P.

उपखण्ड अधिकारी
बिलासपुर (छ.ग.)
बिलासपुर तहसील केस

(4)

WRIT PETITION U/A 226/227 OF THE CONSTITUTION OF INDIA

XI-HC-22

(40)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. 451 **सन्** 2005

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	27-4-2005 On a mention being made, the matter is taken up for hearing. Miss Sofia Khan, counsel for the petitioner. Mr. Bhaskar Pyasi, Panel Lawyer for the State of Chhattisgarh/ respondents No.1 and 5. Mr. Raghavendra Pradhan, Standing Counsel for Union of India/ respondent No.6. Heard. The petitioner has filed this writ petition being aggrieved by the order allocating his services to the State of Chhattisgarh after reorganization of the erstwhile State of Madhya Pradesh on 1-11-2000 against the option given by him for the State of Madhya Pradesh. The petitioner is working as Assistant Draughtsman in the Public Works Department. The petitioner's case is that on reorganization of the State, the petitioner, being a permanent resident of the State of Madhya Pradesh, gave option for allocation of his services to the State of Madhya Pradesh, but against his option he has been allocated to the State of Chhattisgarh. Further case of the petitioner is that he is a low paid employee and he is resident of Madhya Pradesh, therefore, respondent No.6 Union of India after consulting respondents No.1 & 4 ought to have allocated his services to the State of Madhya Pradesh.	

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(W)

आदेश पत्रक

मामला क्रमांक W.P.451/ **सन्** 2005

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Learned counsel for the petitioner submits that the petitioner came to the State of Chhattisgarh only after allocation in the year 2002, thereafter he made several representations, but those representations have not been considered. Learned counsel further submits that on the option given by the petitioner herein, the State of Chhattisgarh gave no objection about his allocation of services to the States of Madhya Pradesh, and the State of Madhya Pradesh also gave consent for retaining him in the State of Madhya Pradesh, but contrary to that, the petitioner's services have been allocated to the State of Chhattisgarh by Union of India.

Therefore, in the circumstances, learned counsel for the petitioner further submits that the petitioner may be allowed to make a representation to Union of India through the States of Chhattisgarh & Madhya Pradesh, and respondent No.6 be directed to forward his representation within a period of two months, to which learned counsel appearing for the State of Chhattisgarh/respondents No.1 & 5 and Union of India/respondent No.6, have no objection.

Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, and having regard to the limited request made by learned counsel for the petitioner, it is just and proper to allow the petitioner to make a representation to respondent No.6 through respondent No.1 within 15 days from today, on receiving the said

(पीछे देखिये)

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(42)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.451/ **सन्** 2005

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

representation, respondent No.1 shall forward the same to respondent No.4 within two months thereof giving comments and opinion, in turn, respondent No.4 shall also consider the representation of the petitioner in an objective manner and forward it to respondent No.6 with its comments and opinion within another two months thereof, thereafter, respondent No.6 shall pass appropriate order, in accordance with law, after considering the recommendations made by both the States within another three months thereof. Ordered accordingly.

With the observations and directions aforesaid, the petition stands disposed of.

Consequently, M.(W.)P.No.377/2005 and I.A.No.912/2005 also stand disposed of.

Parties are entitled for certified copy of this order.

Sd/-
L.C. Bhadoo
Judge